

SUBJECT: Property and Evidence	NUMBER: 2-8.02
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: ADM.17.01, ADM.17.02, ADM.17.03, ADM.17.04, ADM.17.05	APPROVED: Sheriff

I. POLICY

All items of an evidentiary nature, lost/found, safekeeping, recovered property, contraband or any other property controlled by the agency which is not agency owned will be placed in the property room. Accountability is established for all property received by the agency. This order provides procedures for the management of evidence or personal property held by the agency's property section.

II. GOALS AND OBJECTIVES

It is the duty and obligation of all employees involved in the property and evidence handling to care for, control and correctly process all property and evidence coming into their possession, and to properly document all such items.

In order to meet these goals, access to the property section is strictly controlled by the evidence technician. Only the evidence technician and the evidence supervisor shall have access to secured storage areas and anyone entering the secure areas of the property section will be required to sign in/out and state their purpose.

III. DEFINITIONS

- A. Evidence - Items taken with or without a warrant that may prove or disprove the commission of a crime or the identity of the suspect. Items listed as evidence cannot be released by the evidence custodian without appropriate approval.
- B. Safe Keeping – property received or seized by the agency not deemed contraband (items unlawful to possess i.e. drugs) or evidence of a criminal offense. It is property that has a rightful owner and will be returned to them. Safekeeping requires a known owner.
- C. Found Property – property with no evidentiary value and no known owner. Deputies need to document efforts to locate the rightful owner in an incident report. Found property may be disposed of after 90 days if the deputy has not located the rightful owner.
- D. Abandoned Property – NMSAA 31-27-3.A is personal property in which the owner has intentionally relinquished. Abandon property will be entered in the property management software as safekeeping and the circumstances in which the owner relinquished control will be documented in an incident report.

IV. RULES AND PROCEDURES

A. Deputy's Responsibility

1. The agency will provide a packaging guideline manual to assist in ensuring that items submitted to the property room are packaged in an appropriate manner.
2. Deputies collecting evidence or property are responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the evidence technician.
3. Deputies will ensure that all items have been entered in the property management software program. A property label will be printed and attached to each item prior to being placed into the property room.
4. Deputies will complete an incident report detailing the circumstances by which the property came into the deputy's possession and describe the property.
5. Deputies (not the evidence technician) are responsible for investigating found property, including documenting attempts or method of identifying the true owner.
6. Personnel handling evidence or other property will be accountable for the proper preservation and security of these items until they have been released to the property room.
7. Any evidence or property will be properly packaged, have a property label and be secured in a temporary storage locker by the end of the deputy's tour of duty.
8. The evidence technician will be contacted for evidence/property which is oversized, is sensitive, has an inordinately high value or which cannot or should not be placed in a temporary storage locker.

B. No one other than the evidence supervisor or evidence technician will schedule appointments for citizens for the purpose of releasing or viewing items. Attorneys or citizens should be told to contact the property section during the normal business hours to make arrangements concerning property.

C. The duties of the evidence technician are:

1. The evidence technician is responsible for the preservation, safeguarding and disposition of all property once it is in the custody of the property room.
2. Maintaining all evidence and property in a secure location designated as the property room.

3. Ensuring all evidence is correctly marked and packaged prior to placement in storage.
4. Regularly inspecting and emptying the temporary storage lockers.
5. Maintaining a sign-in log at the entrance to the secured storage areas and be responsible for obtaining a signature for any/all persons entering the secure area.
6. Disposing of all property in accordance with standard operating procedures, all applicable laws and ordinances.
7. Ensuring that the property management record system is updated.

D. The property room supervisor shall inspect the property room and files, at least quarterly, to ensure that all procedures are being followed, and to ensure that proper accountability procedures are being maintained. If this inspection is unsatisfactory and cannot be corrected, that supervisor may require the evidence section to be closed while a complete inventory is done.

E. An annual audit will be conducted by an employee from another division who is designated by the property room supervisor or the Sheriff.

F. If personnel assigned as an evidence technician leaves that position there will be an inventory of all property being held in evidence. This inventory will be performed by the newly designated evidence technician and a designee of the Sheriff.

G. Unannounced inspections of property storage areas will be conducted at the discretion of the Sheriff.

H. The evidence technician has the right to refuse any item that does not conform to proper packaging, may have no report, and is illegible or other. Any such items will be placed into a trouble locker if the deputy is not on duty. The deputy will be notified to correct the deficiency and resubmit the evidence in a timely manner. If the deficiency is not corrected in a timely manner, the evidence technician will contact the appropriate division commander and the property room supervisor.

V. TEMPORARY STORAGE

Since the property section is only available during specified hours, temporary storage areas have been designated to allow deputies to secure property when needed.

- A. Temporary storage lockers are located inside of the temporary storage room adjacent to the jail inside the sally port.
- B. For all items which are too large to be stored in temporary lockers the evidence technician will be contacted to make arrangements for proper storage of the item.

VI. TEMPORARY RELEASE

A. Authorized Release

1. Property/Evidence may be temporarily checked out of the property section by employees when authorized. This authorization may be for court, crime analysis, identification purposes, or at the request of the investigating deputy.
2. If the deputy assigned to the case has left the employment of the agency, for whatever reason, and no other deputies were assigned to the case, the evidence technician will be required to produce the evidence in court.

B. Check Out Procedures

1. The requesting deputy furnishes the case number and specific items needed in writing 72 hours in advance for the property in question. The evidence technician then retrieves the property from storage.
2. The appropriate chain-of-custody information will be completed.
3. If the property has been checked out for more than one week, the evidence technician will determine its location and assures that its continued check out is necessary.

C. Property Return

1. Checked out property shall be returned by the employee who signed it out. This may be accomplished by either turning it over directly to the evidence technician or placing it in a temporary storage locker.
2. Before the evidence technician acknowledges receipt of the property back into the property section, it will be inventoried. If there is a discrepancy, the evidence technician will not continue. An attempt will be made to correct the discrepancy, if none can be made; the evidence technician will note the discrepancy on the evidence tag, notify the deputy's immediate supervisor and complete a supplemental report.

D. Court Retention of Property

1. If the property is retained by the court the deputy shall notify the evidence technician in a timely manner.
2. If the court retains only a portion of the property the deputy shall return the remainder of the property and provide documentation from the court on the items that were held.
3. The evidence technician makes a notation on the property tag of any such retention.

E. Laboratory Submission

1. The chain-of-custody shall be completed when property is checked out to be sent to a laboratory for analysis. The requesting employee shall fill out a laboratory submittal form (lab receipt) along with a request for written laboratory results and package the property that is to be sent.
2. When packaged for laboratory submittal, the packaging must conform to US Postal Service guidelines or safety considerations for personal transfer. In order to maintain the chain-of- evidence, any evidence which is mailed will be done so via registered mail. If the package is not able to be shipped via mail, the Evidence Technician will hand deliver the evidence to the lab along with the laboratory submittal form which is signed by the agent who receives the evidence. The package will then be returned via the same method of transfer.
3. The determination of the method of transfer will be made by the evidence technician.
4. Property returned from a laboratory is handled in the same way as other property being returned with the exception that a complete inventory may not be possible because any evidence seals will not be tampered with. The property shall have the original case number and evidence label attached.

VII. DISPOSITION OF PROPERTY

All items will be released to the rightful owner or will be disposed of by the evidence technician in accordance with county ordinances, state statutes, or court order. Property unclaimed by the owner, that is no longer required for evidentiary purposes, is not needed for any public purpose, or has been left in the possession of the agency for more than 90 days shall be sent auction, reverted to county use, or destroyed. Cash money is receipted at the county treasures office and deposited into the general fund.

A. Evidence

Once property is seized, it automatically becomes the property of the Valencia County Sheriff's Office, until a disposition is received and/or a written authorization to release it by the seizing deputy, assigned detective, or the property room supervisor.

B. Found Property

Prior to placing any found property into evidence, deputies will attempt to identify the owner and return the property. If contact with the owner cannot be made during a deputy's tour of duty, the item will be tagged into evidence as found property.

1. Deputies shall obtain pertinent information from the finding party including name, address, and phone number. Information concerning the finding party should be reflected on the incident report. If contact is made after the item has been tagged into the property room, the owner will be provided the case number to assist in the return

of the property.

2. Whenever any found property has remained unclaimed for more than 90 days, evidence technicians will destroy or send for auction any property not claimed by the person who originally turned it in as found.

C. Safekeeping Property

1. Property may be tagged into the property room for safekeeping when:
 2. The submitting deputy notifies the owner that the property is being held by the property section and must pick up the property within 30 days.
 - i. The date, time, and method of notification will be noted in the incident report.
 - ii. The deputy should notify the owner of the operational hours of the property section.

- iii. If the property is not claimed by the owner or an authorized representative within 30 days, it will be disposed of in accordance with state law.
- iv. No contraband will be accepted for safekeeping.
- v. Objects or articles of a non-evidentiary nature should be left with the next of kin or secured at the scene at the time of the preliminary investigation. Items released to next of kin or others will be noted in an incident report. Items of obvious high value will not be left unsecured at a scene of an investigation. Those high value items may be placed into the property room for safekeeping. Property that is taken into custody shall be tagged and logged into the property section. This property shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the property room supervisor.
- vi. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with property room procedures.
- vii. Found mail that has no evidentiary value will be returned the post office and documented in the incident report.
- viii. Abandoned property will be disposed of in accordance with the states forfeiture act.

D. Homicides/Sexual Assaults

1. Evidence from any homicide case will be maintained as long as determined by the district attorney's office.
2. Sexual assault kits from any sexual assault case will be maintained as long as determined by the district attorney's office.

VIII. DELINQUENT NOTICE

- A. If an item has been authorized for release, the owner may be notified by phone to take possession of the item(s). Written notification to the owner to take possession of the item(s) will include reasonable time frame (10 to 15 working days) that they must contact the evidence technician or the property will be disposed of in accordance with agency policy.
- B. The evidence technician shall make every possible effort to contact the owner of the property.

IX. EVIDENCE SUBMITTED TO OUTSIDE AGENCIES

- A. Evidence that is transferred from a scene or a deputy's custody directly to an outside facility, bypassing the agency's property room, must note the activity associated with the property in the incident report.
- B. If this agency recovers stolen property for another agency that agency's case number will be listed in the incident report and that agency must provide verification prior to the release of any property.

X. STORED AGENCY PROPERTY

- A. Stored agency property will be maintained in a state of operational readiness.
- B. It is the responsibility of each division commander to make sure that the stored property under his or her division is maintained in a state of operational readiness.
- C. Agency property will not be stored in the property room unless it has evidentiary value in a criminal investigation that is being conducted by this agency. Agency property that is of evidentiary property being investigated by another agency will be kept by that agency. Items that are of evidentiary value that are involved in an internal investigation may be placed in to the property room, but an incident report must be associated with those items.

XI. VEHICLE STORAGE COMPOUND

- A. Vehicles that are of evidentiary value in a criminal investigation will be stored in the sheriff's office vehicle storage compound.
- B. Vehicles that are placed into the storage compound will be entered as evidence in the incident report and in the evidence program to ensure that the chain of custody is maintained.
- C. Until such time as the agency property within the storage lot is relocated, vehicles taken for a criminal investigation will be stored opposite of agency property on the west side of

the storage compound.

- D. Vehicles that are impounded for an altered VIN under NMSA 66-3-507 will be taken to the agency's vehicle storage for further investigation. Vehicles impounded for an altered VIN will be listed in the incident report.
- E. A sign in log will be maintained for personnel that enter into the evidence lot. Tow trucks dropping off vehicle are not required to complete the sign in log, but it will be noted in the incident report.